

cc: Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED

CLERK OF DISTRICT COURT

11 APR 00 PM 3:31

DARREN W. SADLIER,
Petitioner,

v.

HANK GALETKA,
Respondent.

APR 11 2000 DISTRICT OF UTAH

Case No. 00-8Y-44
DEPUTY CLERK

REPORT AND RECOMMENDATION

Petitioner Darren W. Sadlier has filed a petition for habeas corpus under 28 U.S.C. § 2254. Petitioner makes several claims in connection with his arrest on February 2, 2000, and his subsequent transfer to Utah from Colorado.

The petition makes clear that the petitioner has not exhausted his state remedies in Utah Courts in connection with this conviction. The case has been referred to the Magistrate Judge under 28 U.S.C. § 636(b)(1)(B) and has been considered for disposition under Rule 4 Rules Governing Section 2254 Cases. This report and recommendation is submitted pursuant to the reference.

Before a petitioner may seek review of a state conviction in a federal court, he must first exhaust all available state remedies. 28 U.S.C. § 2254 (b) & (c); Picard v. Conner, 404 U.S. 270 (1971). Petitioner has not exhausted his state remedies by first presenting the issues on which he seeks relief in this court to the highest court of the state which is required for

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exhaustion to occur. Dalin v. Cook, 957 F.2d 758 (10th Cir. 1991).

Therefore, **IT IS HEREBY RECOMMENDED** that the petition for habeas corpus should be **denied**. A copy of the foregoing Report and Recommendation is being mailed to the plaintiff who is hereby notified of his right to object to the same. The plaintiff is further notified that he must file any objections to the Report and Recommendation, with the clerk of the district court, pursuant to 28 U.S.C. § 636(b), within ten (10) days after receiving it. Failure to file objections may constitute a waiver of those objections on subsequent appellate review.

DATED this 2nd day of April, 2000.

BY THE COURT:

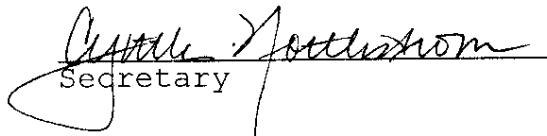

Samuel Alba
United States Magistrate Judge

CERTIFICATE OF MAILING

I hereby certify that I have mailed a copy of the foregoing Report and Recommendation to the following:

Darren W. Sadlier
#24689
Utah State Prison
P.O. Box 250
Draper, UT 84020

DATED this 11th day of April, 2000.


Secretary

hom

United States District Court
for the
District of Utah
April 12, 2000

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:00-cv-00144

True and correct copies of the attached were either mailed or faxed by the clerk to the following:

Civil Litigation, Esq.
CIVIL APPEALS
160 E 300 S SIXTH FLOOR
PO BOX 140856
SALT LAKE CITY, UT 84114-0856